

## Office of the Secretary of Transportation

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Special Programs Improvement Act (Pub. L. 108-426, 118 Stat. 2423 (November 30, 2004)).

(2) After consultation with modal and OST offices, making recommendations to the Secretary on all modal and OST research budgets.

(3) Serving as the focal point for Departmental research, development, and technology endeavors, in coordination with the Under Secretary for Policy.

(4) Planning, developing, initiating and managing programs in transportation research and development. Programs undertaken by RITA shall not be duplicative of similar programs undertaken by any modal or OST office. Maintaining the capability to perform research, development, and analysis in transportation planning and socio-economic effects, program management, and provide advice on technology in DOT policy development. Particular efforts will be made on analyzing transportation systems problems and developing innovative research products, processes and applications to solve them, advanced transportation concepts, and multimodal transportation. RITA will develop and maintain vital statistics and related transportation information databases.

(5) Providing leadership on technical, navigation, communication, and systems engineering activities.

(6) Providing a point of contact for the Department with the academic community to encourage transportation research.

(7) Providing university transportation research grants.

(8) Managing a Transportation Safety Institute which designs and conducts training programs responsive to the requirements of Government and industry as expressed by the operating administrations of the Department.

(9) Carrying out comprehensive transportation statistics research, analysis, and reporting.

(10) Providing oversight of the activities of the Bureau of Transportation Statistics.

(11) Providing oversight of the activities of the Volpe National Transportation Systems Center.

(12) Coordinating intermodal research initiatives and planning activities.

(13) Serving as a focal point within the Federal government for coordination of intermodal transportation research and development policy, in coordination with the Under Secretary for Policy.

(1) *The Federal Motor Carrier Safety Administration*. Is responsible for:

(1) Managing program and regulatory activities, including administering laws and promulgating and enforcing regulations on safety matters relating to motor carrier safety;

(2) Carrying out motor carrier registration and authority to regulate household goods transportation;

(3) Developing strategies for improving commercial motor vehicle, operator, and carrier safety;

(4) Inspecting records and equipment of commercial motor carriers, and investigating accidents and reporting violations of motor carrier safety regulations; and

(5) Carrying out research, development, and technology transfer activities to promote safety of operation and equipment of motor vehicles for the motor carrier transportation program.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## Subpart B—Office of the Secretary

### § 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of primary responsibility, and lines of authority in the Office of the Secretary. It also describes the relationships between the Office of the Secretary and the operating administrations, and provides for succession to the position of Secretary in case of need.

### § 1.22 Structure.

(a) *Secretary and Deputy Secretary*. The Secretary and Deputy Secretary are assisted by the following, all of which report directly to the Secretary: The Under Secretary for Policy; the Executive Secretariat; the Board of Contract Appeals; the Departmental Office of Civil Rights; the Office of

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Small and Disadvantaged Business Utilization; the Office of Intelligence, Security, and Emergency Response; the Office of Public Affairs; and the Office of the Chief Information Officer. The Assistant Secretaries, the General Counsel, and the Inspector General also report directly to the Secretary.

(b) *Office of the Assistant Secretary for Transportation Policy.* This Office is composed of the Offices of Environment, Energy and Safety; and Economics.

(c) *Office of the Assistant Secretary for Aviation and International Affairs.* This Office is composed of the Offices of Aviation International Economics; International Transportation and Trade; International Aviation; and Aviation Analysis.

(d) *Office of the General Counsel.* This Office is composed of the Offices of Environmental, Civil Rights, and General Law; International Law; Litigation; Legislation; Regulation and Enforcement; and Aviation Enforcement and Proceedings.

(e) *Office of the Assistant Secretary for Budget and Programs.* This Office is composed of the Offices of Programs and Evaluation; and Budget.

(f) *Office of the Assistant Secretary for Governmental Affairs.* This office is composed of the Offices of Congressional Affairs and Intergovernmental Affairs.

(g) *Office of the Assistant Secretary for Administration.* This Office is composed of the Offices of Personnel; Management Planning; Information Resource Management; Administrative Services and Property Management; Hearings; Acquisition and Grant Management; Security; Financial Management; and Administrative Systems Development.

(h) *Office of the Inspector General.* The duties and responsibilities of the Office of Inspector General are carried out by the Assistant Inspector General for Auditing; the Assistant Inspector General for Investigations; the Assistant Inspector General for Policy, Planning, and Resources; and the Assistant In-

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spector General for Inspections and Evaluations.

[Amdt. 1–261, 59 FR 10061, Mar. 3, 1994, as amended by Amdt.1–268, 60 FR 14226, Mar. 16, 1995; Amdt. 1–269, 60 FR 15877, Mar. 28, 1995; Amdt. 1–274, 60 FR 62762, Dec. 7, 1995; Amdt. 1–290, 62 FR 51804, Oct. 3, 1997; 68 FR 34549, June 10, 2003; 70 FR 8300, Feb. 18, 2005]

### § 1.23 Spheres of primary responsibility.

(a) *Secretary and Deputy Secretary.* Overall planning, direction, and control of departmental affairs including civil rights, contract appeals, small and disadvantaged business participation in departmental programs, transportation research and technology, commercial space transportation, intelligence and security, and public affairs.

(b) *The Under Secretary for Policy.* Provides leadership in the development of policy for the Department, supervises the policy activities of Assistant Secretaries with primary responsibility for aviation, international, and other transportation policy development and carries out other powers and duties prescribed by the Secretary. Assists the Secretary and Deputy Secretary in carrying out a variety of executive and managerial policies, programs and initiatives. Serves as the focal point within the Federal Government for coordination of intermodal transportation policy which brings together departmental intermodal perspectives, advocates intermodal interests, and provides secretarial leadership and visibility on issues that involve or affect more than one operating administration.

(c) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary; final authority within the Department on questions of law; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; point of coordination for the Office of the Secretary and Department Regulations Council; advice on questions of international law; advice and assistance with respect

to uniform time matters; ensures uniform departmental implementation of the Freedom of Information Act (5 U.S.C. 552); responds to requests for records of the Office of the Secretary including the Office of the Inspector General, under that statute; review and final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3); promotion and coordination of efficient use of Department legal resources; recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department.

(d) *Assistant Secretary for Transportation Policy*. Principal policy advisor to the Secretary and the Deputy Secretary. Public policy development, coordination, and evaluation for all aspects of transportation, with the goal of making the Nation's transportation resources function as an integrated national system; evaluation of private transportation sector operating and economic issues; evaluation of public transportation sector operating and economic issues; regulatory and legislative initiatives and review; energy, environmental, disability, and safety policy and program development and review; and transportation infrastructure assessment and review.

(e) *Assistant Secretary for Aviation and International Affairs*. Public policy assessment and review; private sector evaluation; international transportation and transport-related trade policy and issues; regulatory and legislative initiatives and review of maritime/shipbuilding policies and programs; transport-related trade promotion; coordination of land transport relations with Canada and Mexico; technical assistance and science and technology cooperation; international visitors' programs; economic regulation of the airline industry; and essential air service program.

(f) *Assistant Secretary for Budget and Programs*. Preparation, review and presentation of Department budget estimates; liaison with OMB and Congressional Budget and Appropriations Committees; departmental financial plans, apportionments, reapportionments,

reprogrammings, and allotments; program and systems evaluation and analysis; program evaluation criteria; program resource plans; analysis and review of legislative proposals and one-time reports and studies required by the Congress; budgetary and selected administrative matters relating to the Immediate Office of the Secretary.

(g) *Assistant Secretary for Governmental Affairs*. Coordination of legislative and non-legislative relationships; congressional affairs; communications and coordination with Federal, State and local governments, industry and labor, and with citizens and organizations representing consumers.

(h) *Deputy Assistant Secretary for Tribal Government Affairs*. Plan, coordinate and implement the Department's policies and programs with respect to Indian tribes and tribal organizations. Coordinate intra-Departmental tribal transportation programs and activities. Serve as the Department's primary point of contact in relationships with public and private organizations and groups related to Indian tribes and tribal organizations. Participate in any negotiated rulemaking relating to, or having an impact on, projects, programs, or funding associated with the tribal transportation program.

(i) *Assistant Secretary for Administration*. Organization; delegations of authority; personnel ceiling control; management studies; personnel management; acquisition and grant management (except for the responsibility listed for the Office of Small and Disadvantaged Business Utilization in this section); information resource management; financial management; development and implementation of a Departmental Accounting and Financial Information System (DAFIS); property management information; security; computer support; telecommunications; and administrative support services for the Office of the Secretary and certain other components of the Department.

(j) *Inspector General*. Conduct, supervise, and coordinate audits and investigations, review existing and proposed legislation and make recommendations to the Secretary and Congress (Semi-annual reports) concerning their impact on the economy and efficiency of

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program administration, or the prevention and detection of fraud and abuse; recommend policies for and conduct, supervise, or coordinate other activities of the Department for the purpose of promoting economy and efficiency in program administration, or preventing and detecting fraud and abuse.

(k) *Executive Secretary*. Central facilitative staff for the Immediate Office of the Secretary and the Secretarial Officers.

(l) *Board of Contract Appeals*. Conducts trials and issues final decisions, which are appealable to the United States Court of Appeals for the Federal Circuit, on appeals from contracting officer decisions under contracts awarded by the Department and its constituent administrations in accordance with the Contract Disputes Act of 1978, 41 U.S.C. 601 et seq.; sits as the Contract Adjustment Board with plenary authority to grant extraordinary contractual relief in accordance with 50 U.S.C. 1431–1435 and Executive Order 10789 (3 CFR, 1954–1958 comp., p. 426), as amended; hears and decides all contractor and subcontractor debarment, suspension, or ineligibility cases pursuant to the Federal Acquisition Regulation, 48 CFR 9.402; judges serve as “neutrals” under the Administrative Dispute Resolution Act, 5 U.S.C. 581 et seq., in contract-related matters; and performs such other adjudicatory functions assigned by the Secretary as are consistent with the duties and responsibilities of the Board as set forth in 41 U.S.C. 601 et seq.

(m) *Departmental Office of Civil Rights*. The Director of the Departmental Office of Civil Rights serves as the Department’s Equal Employment Opportunity (EEO) Officer and Title VI Coordinator. The Director also serves as principal advisor to the Secretary and the Deputy Secretary on the civil rights and nondiscrimination statutes, regulations, and executive orders applicable to the Department, including titles VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Age Discrimination Act of 1975, as amended, section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, and the Equal Pay Act of 1963. The

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Office of Civil Rights also provides policy guidance to the operating administrations and Secretarial officers on these matters. Also, the Office periodically reviews and evaluates the civil rights programs of the operating administrations to ensure that recipients of DOT funds meet applicable Federal civil rights requirements.

(n) *Office of Small and Disadvantaged Business Utilization*. Responsible for the Department’s implementation and execution of the functions and duties under sections 8 and 15 of the Small Business Act, as amended, (15 U.S.C. 637 and 644), and for other departmental small and disadvantaged business policy direction.

(o) [Reserved]

(p) Office of Intelligence, Security and Emergency Response. Responsible for intelligence and security matters within the Department of Transportation that affect the safety of the traveling public, and for emergency preparedness and response functions and activities within the Department and operation of the Department’s Crisis Management Center.

(q) *Office of Public Affairs*. Focal point for public information and departmental relations with the news media, the general public, and selected special publics.

(r) *Office of the Chief Information Officer*. Serves as principal advisor to the Secretary on matters involving information resources and information systems management.

[Amdt. 1–261, 59 FR 10062, Mar. 3, 1994, as amended by Amdt. 265, 60 FR 2891, Jan. 12, 1995; Amdt. 1–274, 60 FR 62762, Dec. 7, 1995; Amdt. 1–290, 62 FR 51804, Oct. 3, 1997; 68 FR 34549, June 10, 2003; 69 FR 44972, July 28, 2004; 70 FR 7670, Feb. 15, 2005; 70 FR 8300, Feb. 18, 2005; 71 FR 30830, May 31, 2006]

### § 1.24 Authority.

(a) The Deputy Secretary: (1) May exercise the authority of the Secretary, except where specifically limited by law, order, regulation, or instructions of the Secretary; and (2) serves as the Chief Acquisition Officer.

(b) Acting in his or her own name and title, each Assistant Secretary, the Inspector General, or the General Counsel, within his or her sphere of responsibility, is authorized to identify and

define the requirements for, and to recommend to the Secretary, new or revised Departmental policies, plans, and proposals. Each of these officers is authorized to issue Departmental standards, criteria, systems and procedures that are consistent with applicable laws, Executive Orders, Government-wide regulations and policies established by the Secretary, and to inspect, review, and evaluate Departmental program performance and effectiveness and advise the Secretary regarding the adequacy thereof.

(c) Except for nondelegable statutory duties, including those which devolve as a result of succession to act as Secretary of Transportation, each Deputy Assistant Secretary, the Deputy Inspector General, and the Deputy General Counsel is authorized to act for and perform the duties of his or her principal in the absence or disability of the principal and as otherwise directed by the principal.

(d) *Inspector General.* The Inspector General shall report to and be under the general supervision of the Secretary and Deputy Secretary. In accordance with the statutory intent of the Inspector General Act to create an independent and objective unit, the Inspector General is authorized to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary and desirable. Neither the Secretary nor the Deputy Secretary shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83404, Dec. 18, 1980; 69 FR 60563, Oct. 12, 2004]

#### § 1.25 Relationships.

(a) *Normal staff role.* Normally, the functions of the Assistant Secretaries are staff and advisory in nature. In performing their functions, the Assistant Secretaries are responsible for continuing liaison and coordination among themselves and with the operating administrations to:

(1) Avoid unnecessary duplication of effort by or in conflict with the performance of similar activities by the operating administrations and the other Assistant Secretaries pursuant to their Secretarial delegations of authority; and

(2) Assure that the views of the operating administrations are considered in developing Departmental policies, plans, and proposals.

The Assistant Secretaries are also available to assist, as appropriate, the operating administrations in implementing Departmental policy and programs. As primary staff advisors to the Secretary, the Assistant Secretaries are concerned with transportation matters of the broadest scope, including modal, intermodal, and other matters of Secretarial interest.

(b) *Exceptions.* There are exceptions to the normal staff role described in paragraph (a) of this section. In selected instances, the Secretary has specifically delegated to Assistant Secretaries authority which they may exercise on the Secretary's behalf. For example, the Secretary has delegated authority to the Assistant Secretary for Transportation Policy and the Assistant Secretary for Aviation and International Affairs, as appropriate, to decide on most requests to intervene or appear before administrative agencies, subject to the concurrence of the General Counsel. Also, from time to time, activities of an operational character may be delegated to an Assistant Secretary when the nature of the function or its stage of development makes it untimely to effect assignment to an operating administration.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83405, Dec. 18, 1980; Amdt. 1-261, 59 FR 10063, Mar. 3, 1994]

#### § 1.26 Secretarial succession.

(a) The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or, in case of a vacancy, until a successor is appointed:

(1) Deputy Secretary.

(2) Under Secretary of Transportation for Policy.

(3) General Counsel.

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(4) Assistant Secretary for Aviation and International Affairs.

(5) Assistant Secretary for Transportation Policy.

(6) Assistant Secretary for Budget and Programs.

(7) Assistant Secretary for Governmental Affairs.

(8) Assistant Secretary for Administration.

(9) Federal Aviation Administrator.

(10) Federal Aviation Administration Regional Administrator, Southwest Region.

(11) Federal Aviation Administration Regional Administrator, Great Lakes Region.

(b) Without regard to the foregoing, a person directed to perform the duties of the Secretary pursuant to 5 U.S.C. 3347 shall act as Secretary of Transportation.

[Amdt. 1-157, 45 FR 83405, Dec. 18, 1980, as amended by Amdt. 1-184, 48 FR 44079, Sept. 27, 1983; Amdt. 1-261, 59 FR 10063, Mar. 3, 1994; Amdt. 1-291, 62 FR 55357, Oct. 24, 1997; 68 FR 35184, June 12, 2003]

## Subpart C—Delegations

### § 1.41 Purpose.

(a) Except as provided in paragraph (b) of this section, this subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

(b) For delegations of authority vested in the Secretary by Executive Order 11652 originally to classify documents as secret or confidential, see § 8.11 of this subtitle.

### § 1.42 Exercise of authority.

In exercising powers and performing duties delegated by this subpart or re-delegated pursuant thereto, officials of the Department of Transportation are governed by applicable laws, Executive orders and regulations and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Deputy Secretary, an Assistant Secretary, the Inspector General, the General Counsel, or an Administrator. This includes, wherever specified, the requirement for advance

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notice to, prior coordination with, or prior approval by an authority other than that of the official proposing to act.

[Amdt. 1-114, 41 FR 1288, Jan. 7, 1976, as amended by Amdt. 1-157, 45 FR 83405, Dec. 18, 1980]

### § 1.43 General limitations and reservations.

(a) All powers and duties that are not delegated by the Secretary in this subpart, or otherwise vested in officials other than the Secretary, are reserved to the Secretary. Except as otherwise provided, the Secretary may exercise powers and duties delegated or assigned to officials other than the Secretary.

(b) Except as provided in § 1.42 and subject to paragraph (a) of this section and § 1.44, the Deputy Secretary, the Assistant Secretaries, the Inspector General, the General Counsel, and the Administrators exercise the powers and perform the duties delegated to them under this subpart.

(c) Notwithstanding the provisions of paragraph (a), the delegation of authority in § 1.56b of this title to the Designated Senior Career Official in the Office of the Assistant Secretary for Aviation and International Affairs to make decisions in certain aviation hearing cases is exclusive, and may not be exercised by any other Departmental official, including the Secretary. The Secretary reserves (and delegates to the Assistant Secretary for Aviation and International Affairs) only the authority to make discretionary review of any such decision and to approve it or to remand it for reconsideration by the Designated Senior Career Official, with a full written explanation of the basis for the remand.

[Amdt. 1-157, 45 FR 83405, Dec. 18, 1980, as amended by Amdt. 1-199, 49 FR 50996, Dec. 31, 1984; Amdt. 1-261, 59 FR 10061, 10063, Mar. 3, 1994]

### § 1.44 Reservation of authority.

The delegations of authority in §§ 1.45 through 1.53 and §§ 1.66 and 1.67 do not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary: